

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE: DAVAUN TALBERT

MISC. NO. Case: 2:22-mw-40004

Assigned To : Steeh, George Caram

Assign. Date : 10/21/2022

SEALED MATTER (LH)

**GOVERNMENT’S MOTION AND AFFIDAVIT IN SUPPORT OF
ISSUANCE OF MATERIAL WITNESS WARRANT**

The United States of America, by its undersigned attorneys, files this motion seeking a material witness warrant pursuant to 18 U.S.C. § 3144 for DAVAUN TALBERT. Pursuant to 18 U.S.C. § 3144, a court may issue an order for the arrest of a witness if (a) the testimony of the person is material in a criminal proceeding, and (b) it may become impracticable to secure the presence of the person by subpoena.

1. Davaun Talbert is a material witness in *United States of America v. Billy Arnold*, 15-cr-20652, a criminal case that started trial on October 3, 2022.
2. Please see attached affidavit for the basis of the material witness warrant.

Thus, based on the requisite showing as set forth above, the government requests that the Court issue a material witness warrant for DAVAUN TALBERT and that the warrant remains in effect until he provides testimony at trial, or until a deposition can be scheduled, whichever comes first.



Rajesh Prasad
Assistant United States Attorney

Date: October 21, 2022

Sworn and Subscribed before me and/or by reliable electronic means
This 21st day of October, ~~201~~²⁰²²



David R. Grand
United States Magistrate Judge

IT IS HEREBY ORDERED that a material witness warrant shall issue for
DAVAUN TALBERT for the reasons set forth above.



David R. Grand
United States Magistrate Judge

Date: October 21, 2022

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT FOR
MATERIAL WITNESS PURSUANT TO 18 U.S.C. § 3144**

I, Matthew Kuiack, being first duly sworn, hereby depose and state as follows:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July 2019. I am currently assigned to the FBI Detroit Field Office and the Violent Gang Task Force (VGTF), and my current duties include investigating gangs, firearms trafficking, and narcotics trafficking. Prior to my present assignment, I was a Sheriff's Deputy with the Mitchell County Sheriff's Office, Mitchell County, Kansas. During my time as a law enforcement officer and Special Agent, I have participated in investigations involving violent crimes, firearms, narcotics, as well as numerous investigations that resulted in the execution of search and arrest warrants.

2. I am involved in the investigation and prosecution of defendant Billy Arnold.

3. I submit this affidavit in support of an arrest warrant for DAVAUN TALBERT. As set forth in more detail below, TALBERT is a material witness in the case of *United States v. Billy Arnold*, 15-20652 and 20-20187, and despite being served a subpoena and provided a date and time, he has not appeared. I am therefore requesting that an arrest warrant be issued under 18 U.S.C. § 3144.

4. It is my understanding that Davaun Talbert has information that is material to the above-referenced prosecution. More specially, Billy Arnold is charged with Attempted Murder in the Aid of Racketeering and Use of a Firearm in Furtherance of a Crime of Violence for shooting two individuals on June 7, 2015, in Roseville, Michigan. Talbert's cousin, James Robinson, asked to and borrowed Davaun Talbert's twin brother, Dajuan's car that day. Robinson drove Arnold to the location where Arnold shot the victims and then drove away, abandoning the car in a Kmart parking lot. Robinson then called Davaun Talbert and told him to get the car. Davaun Talbert is essential to provide how Arnold's co-conspirator Robinson called to return the vehicle identified as the one used in the shooting, immediately after the shooting.

5. On September 23, 2022, I went to the residence of Davaun Talbert in Clinton Township to complete service of a subpoena to him from the United States District Court, Eastern District of Michigan, to testify in a criminal case. Upon my arrival, Davaun Talbert opened the front door and stepped outside to talk to me. Davaun Talbert identified himself, stated that he lived at the address, and provided his telephone number to me. He was served with a subpoena to appear in United States District Court on September 27, 2022. Davaun Talbert expressed reluctance to testify, stating this has nothing to do with him, he had already testified, and

didn't want to do it again. I encouraged Davaun Talbert to reach out to the United States Attorney's Office to express his concerns and reach a resolution.

6. Approximately one week later, I called Davaun Talbert to get more information about the whereabouts of his twin brother, Dajuan Talbert, who was also subpoenaed. Davaun Talbert provided me with an address and telephone number for Dajuan Talbert. At this time, Davaun Talbert again expressed his reluctance to testify, stating he didn't understand why we were bothering him, and he has already done what he was supposed to do. I told him that he is under subpoena and is compelled to appear, and I encouraged him to call Assistant United States Attorney Tare Wigod to express his concerns.

7. During the week of September 19, 2022, I spoke with Davaun Talbert on the telephone and told him he did not need to appear on September 27, 2022, but he would be needed on a later date in October. Davaun Talbert acknowledged that he was not released from his subpoena and would need to appear in Federal Court on a later date.

8. On October 18, 2022, I called Davaun Talbert at 11:56 a.m. and left a voicemail stating he would be needed at the Federal Courthouse, downtown Detroit, on October 20, 2022, at 8:30 a.m. On October 19, 2022, I called Davaun Talbert at 8:39 a.m., 11:11 a.m., and 3:00 p.m., leaving voicemail messages for him to appear on October 20, 2022, at 8:30 a.m. In an additional effort to inform

Davaun Talbert about the date and time to appear in court, FBI agents went to Davaun Talbert's residence multiple times at different times of day but were unsuccessful in locating Davaun Talbert.

9. On October 20, 2022, I was at the United States District Court meeting with witnesses as they appeared to testify for this case. Davaun Talbert did not appear at United States District Court between 8:15 a.m. and 2 p.m. on October 20, 2022.

10. Accordingly, probable cause exists that the testimony of DAVAUN TALBERT is material to an upcoming criminal proceeding against, and it is impracticable to secure his presence by subpoena. Therefore, his arrest is warranted under 18 U.S.C. § 3144 (Release or Detention of a Material Witness).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew Kuiack', written over a horizontal line.

Matthew Kuiack, Special Agent
Federal Bureau of Investigation

Date: October 21, 2022